



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RINAT HAFIZOV,

Plaintiff,

- against -

BDO USA, LLP, et al,

Defendants. :
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22-CV-8853 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's letter motion at Dkt. 136 to compel Defendants to employ Plaintiff's ESI search terms. Both parties are being unreasonable; Plaintiff's requested searches are too broad, and Defendant's implemented searches are too narrow. The parties must meet and confer to agree upon terms that use appropriate connectors that will reasonably encompass (1) communications sent by Ms. Bernier, Mr. Dymont, or Mr. Montorio to other BDO employees that refer to one or more discriminatory protected characteristics related to nationality, ethnicity, race, or religion, and (2) documents concerning Ms. Bernier, Mr. Dymont, and Mr. Montorio's engagement in retaliatory conduct and/or complaints about same. The Court is of the view that the parties should be able to work this out with further Court intervention. Nonetheless, the Court finds it necessary to set a schedule as follows: By November 30, 2023, Defendants shall propose revised ESI terms to Plaintiff. By December 5, 2023, Plaintiff shall provide a response with requested modifications if any. By December 8, 2023, the parties shall meet and confer to resolve any differences. By December 13, 2023, the parties shall file a joint submission presenting the requested terms, if any, to which the parties have not agreed (along with the terms to which the parties have agreed).

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 136.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 21, 2023
New York, New York

Copies transmitted this date to all counsel of record.